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July 17, 2019



By e-mail: 'FOIA_Request@cms.hhs.gov'
Mr. Jay Olin
Department of Health & Human Services
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop N2-20-16
Baltimore, MD 21244-1850

Re: FOIA Request regarding NPI/NPPES Downloadable Data
Control No. 032820197101
PIN ZAN9

Dear Mr. Olin,

On March 28, 2019, I tendered a FOIA request on CMS, and CMS acknowledged receipt of this request on March 28, 2019, through correspondence dated April 2, 2019. To date, I have received no responsive items to this request.

Consistent with the instructions contained in the correspondence, I have contacted and left voicemails for Angela Pompey on multiple occasions without any success or response. The online FOIA Request Status still states an "undetermined" projected date of response. Over 90 days have elapsed since this request was received by CMS; accordingly, your agency has failed to comply with FOIA and federal FOIA regulations.

The request seeks the following items:

1. NPI/NPPES downloadable data regarding NPI No. 1881033710 containing FOIA-disclosable data, including but not limited to provider NPI, name, specialty (taxonomy), and practice address and contact information, on July 1, 2013;
2. NPI/NPPES downloadable data regarding NPI No. 1881033710 containing FOIA-disclosable data, including but not limited to provider NPI, name, specialty (taxonomy), and practice address and contact information, on August 5, 2013;

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3. NPI/NPPES downloadable data regarding NPI No. 1881033710 containing FOIA-disclosable data, including but not limited to provider NPI, name, specialty (taxonomy), and practice address and contact information, on March 31, 2015; and
4. NPI/NPPES records containing FOIA-disclosable data, including any and all edits, modifications, updates, and/or changes, regarding NPI No. 1881033710 from June 25, 2013, to December 31, 2018.

These requests are narrowly tailored, seeking information regarding a single provider identified by NPI number; nevertheless, CMS claims a need “to search for and collect records from multiple components and/or field offices” and/or “voluminous amounts of records” must be “located, compiled, transferred to this office, and reviewed.” I note that the NPI provider database, required to be electronically maintained under federal statutes and regulations, contains all of the information requested. A simple search of the NPI/NPPES downloadable data restricted to this individual NPI would identify all of the requested information; however, your agency seemingly has failed to meaningfully undertake its legal responsibilities and disregarded the letter and spirit of FOIA’s disclosure rules.

I respectfully request that your agency substantively respond to this FOIA within the next 10 days so that my office may avoid the cost and burden of pursuing the avenues of relief afforded under the FOIA law, including filing suit in the Southern District of Illinois seeking an order to compel your agency to produce the items requested and for all costs and fees incurred as a result of your agency’s noncompliance with FOIA.

Sincerely,

WEILMUNSTER & KECK, P.C.

By: _____

Nathaniel O. Brown

NOB/kjf

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